

REMARKS

Applicant has amended claim 1, canceled claim 3 without prejudice and added new claims 5 and 6. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected claims 1 and 2 under 35 USC 102 as being anticipated by Chiaruttini, stating that Chiaruttini discloses each and every element of Applicant's invention as claimed.

In reply thereto, Applicant has carefully reviewed Chiaruttini and respectfully submits that Chiaruttini does not disclose that the projections would include magnetic substances, microbicidal substances or a deodorant substance. Still further, Applicant respectfully submits that Chiaruttini does not disclose the particular limitations of Applicant's new claims 5 and 6.

In view of the above, therefore, Applicant respectfully submits that claims 1, 2, 5 and 6 are not anticipated by Chiaruttini.

The Examiner has rejected claims 1-4 under 35 USC 103 as being obvious over Kaspar et al. in view of Yamauchi, stating that Kaspar et al. teaches a sock having a plurality of particle-form projections made out of an elastic material thereon, but fails to teach that the particles are provided on the inside surface of the sock or that the microbicidal and deodorant agents would be mixed with the resin binder to produce projections; Yamauchi teaches projections formed on the interior surface of a sock sole and the use of microbicidal and deodorant particles; and it would have been obvious to one of ordinary skill in the art to modify Kaspar et al. in view of the teachings of Yamauchi.

Applicant has carefully reviewed Kaspar et al. and Yamauchi and respectfully submits that neither teaches the use of magnetic substances. In particular, Applicant respectfully submits that Kaspar et al. at col. 4, lines 29-65 discloses the addition of materials to the resin binder such as accelerators, stabilizers and thickeners but does not disclose magnetic materials. At best, Kaspar et al. mentions the addition of zinc mercaptobenzothiazol and zinc dithiocarbamate, but teaches these apparently as accelerators for the resin binder. Also, Applicant respectfully submits that in Yamauchi is disclosed metal particles but such metal particles are made from copper silver or copper silver alloys and their purpose is as an antibacterial or antifungal agent and not a magnetic material.

Still further, Applicant respectfully submits that both Kaspar et al. and Yamauchi teach that the composition of each particle formed projection is substantially the same. In contrast thereto, Applicant's invention as claimed by claim 4 requires three different types of particle formed projections, one mainly containing magnetic substances, one mainly containing microbicidal substance and one mainly containing deodorant substance. Applicant respectfully submits that this is not merely a selection which would have been obvious to one of ordinary skill in the art and this particular construction provides a particular advantage. The advantage is that by making three different types of particle formed projections, the advantages of the properties of the three different substances can be maximized.

Moreover, Applicant respectfully submits that neither Kaspar et al. nor Yamauchi teaches the particular limitations of Applicant's invention as claimed by claims 5 and 6.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention and claims 1, 2 and 4-6 are not obvious over Kaspar et al. in view of Yamauchi.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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 William L. Androlia

Name

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